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UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
Grain Division
Seed Branch
Agricultural Research Center
Beltsville, Maryland

November 1962

PROSECUTIONS AND SEIZURES UNDER THE FEDERAL SEED ACT
(July 1, 1961 to June 30, 1962) (509-543)

509. False labeling of sweetclover seed and excessive noxious-weed seeds. U. S. v. Ben Harvey Seed Company, Sanger, Texas. (FS 832)

Ben Harvey Seed Company on March 13, 1957, delivered for transportation from Sanger, Texas, to Hobart, Oklahoma, 100 bags of sweetclover seed.

A complaint was filed in United States District Court for the Eastern District of Texas alleging that Ben Harvey Seed Company unlawfully delivered for transportation in interstate commerce 100 bags of this seed in violation of the Federal Seed Act.

The seed was labeled to contain the noxious-weed seed johnsongrass at the rate of 9 per pound; whereas, this seed was found to contain johnsongrass seeds at the rate of 459 per pound. In addition, agricultural seed containing in excess of 100 johnsongrass seeds per pound is prohibited from sale in the State of Oklahoma and therefore is prohibited from shipment into that State under the Federal Seed Act.

On March 20, 1962, a judgment in the sum of \$200, including \$20 costs, on two counts was entered against Ben Harvey Seed Company.

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510. False labeling of alfalfa seed as to origin and failure to keep a complete record. U. S. v. Hi-Yield Fertilizer Company Bonham, Texas. (FS 835)

Hi-Yield Fertilizer Company, on October 3, 1956, delivered for transportation from Bonham, Texas, to Idabel, Oklahoma, 10 bags of alfalfa seed.

A complaint was filed in United States District Court for the Eastern District of Texas alleging that Hi-Yield Fertilizer

Company unlawfully delivered for transportation in interstate commerce 10 bags of this seed and failed to keep a complete record in violation of the Federal Seed Act.

The seed was labeled to be of Oklahoma origin; whereas, the seed was not of Oklahoma origin. In addition, a complete record of the origin of this seed was not kept by Hi-Yield Fertilizer Company as required in the Federal Seed Act and the rules and regulations thereunder.

On January 9, 1962, a judgment in the sum of \$150, plus \$45.40 costs on two counts, was entered against Hi-Yield Fertilizer Company.

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511. False labeling of sorghum seed. U. S. v. Ben Harvey Seed Company, Sanger, Texas. (FS 889)

Ben Harvey Seed Company on May 6, 1958, delivered for transportation from Sanger, Texas, to Oklahoma City, Oklahoma, 50 bags of sorghum seed.

A complaint was filed in United States District Court for the Eastern District of Texas alleging that Ben Harvey Seed Company unlawfully delivered for transportation in interstate commerce 30 bags of this seed in violation of the Federal Seed Act.

The seed was labeled to have a germination of 85 percent; whereas, 30 bags of this seed were found to have a germination of 50 percent in June 1958.

On March 20, 1962, a judgment in the sum of \$100 was entered against Ben Harvey Seed Company.

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512. False labeling of sudangrass seed and excessive noxious-weed seeds. U. S. v. Pascal Farley, Whitewright, Texas. (FS 894)

Pascal Farley, on April 17, 1958, transported from Whitewright, Texas, to Atoka, Oklahoma, 100 bags of sudangrass seed.

A complaint was filed in United States District Court for the Eastern District of Texas alleging that Pascal Farley unlawfully transported in interstate commerce 40 bags of this seed in violation of the Federal Seed Act.

The seed was labeled to contain the noxious-weed seed johnsongrass at the rate of 6 per pound; whereas, 40 bags of this seed were found to contain johnsongrass seeds at the rate of 165 per pound. In addition, agricultural seed containing in excess of 100 johnsongrass

seeds per pound is prohibited from sale in the State of Oklahoma and therefore is prohibited from shipment into that State under the Federal Seed Act.

On April 9, 1962, a judgment in the sum of \$100, plus costs, was entered against Pascal Farley.

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513. False labeling of smooth brome seed. U. S. v. Northern Field Seed Company, Inc., Winona, Minnesota. (FS 899)

Northern Field Seed Company, on July 22, 1959, delivered for transportation from Winona, Minnesota, to Des Moines, Iowa, 800 bags of smooth brome seed.

A complaint was filed in United States District Court for the District of Minnesota alleging that Northern Field Seed Company unlawfully delivered for transportation in interstate commerce 800 bags of this seed in violation of the Federal Seed Act.

Labeling accompanying and pertaining to this shipment represented this seed to have a germination of 85 percent; whereas, this seed was found to have a germination of 63 percent in September 1959.

On November 3, 1961, Northern Field Seed Company, Inc., paid to the United States the sum of \$200 in settlement of the complaint.

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514. False labeling of watermelon seed and failure to test within a 5-month period prior to interstate shipment. U. S. v. Crescent Farms, Inc., Moultrie, Georgia. (FS 912)

Crescent Farms, Inc., Moultrie, Georgia, on January 13, 1958, transported from Moultrie, Georgia, to O'Brien and Branford, Florida, 5 bags and 30 bags, respectively, of watermelon seed and on November 21, 1958, transported from Moultrie, Georgia, to Winter Haven, Florida, 4 bags of watermelon seed.

A complaint was filed in United States District Court for the Middle District of Georgia alleging that Crescent Farms, Inc., unlawfully transported in interstate commerce 35 bags and 4 bags of watermelon seed in violation of the Federal Seed Act.

The 35 bags of this seed shipped to O'Brien and Branford, Florida, were labeled to have a germination of 88 percent; whereas, this seed was found to have a germination of not more than 65 percent in February 1958.

In addition, a test to determine the percentage of germination of this seed had not been made within a 5-month period, exclusive of the calendar month in which the test was completed, immediately prior to interstate shipment as required under the Federal Seed Act.

The 4 bags of watermelon seed shipped to Winter Haven, Florida, were labeled to have a germination of 81 percent; whereas, this seed was found to have a germination of 49 percent in January 1959.

On November 22, 1961, a judgment in the sum of \$300 and costs on three counts was entered against Crescent Farms, Inc.

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515. False labeling of Korean lespedeza seed and crimson clover seed, failure to label the presence of noxious-weed seeds, and excessive noxious-weed seeds. U. S. v. Terry Horn Seed Company, Knoxville, Tennessee. (FS 920)

Terry Horn Seed Company delivered for transportation from Knoxville, Tennessee, 60 bags of Korean lespedeza seed to Jackson, Georgia, on April 2, 1959; 20 bags of Korean lespedeza seed to Ringgold, Georgia, on April 14, 1959; 3 bags of crimson clover seed to Ellijay, Georgia, on June 26, 1959; and 5 bags of crimson clover seed to Blairsville, Georgia, on June 29, 1959.

A complaint was filed in United States District Court for the Eastern District of Tennessee alleging that Terry Horn Seed Company unlawfully delivered for transportation in interstate commerce 30 bags of Korean lespedeza seed, 20 bags of Korean lespedeza seed, 3 bags of crimson clover seed, and 4 bags of crimson clover seed in violation of the Federal Seed Act.

Labeling accompanying and pertaining to the Korean lespedeza seed shipped to Jackson, Georgia, represented this seed to contain the noxious-weed seeds dodder, bracted plantain, and horsenettle at the rates of one each in 50 grams (9 per pound); whereas, 30 bags of this seed were found to contain dodder, bracted plantain, and horse-nettle seeds at the rates of 45, 342, and 117 per pound, respectively. In addition, agricultural seed containing in excess of 200 bracted plantain seeds per pound or a total of 300 noxious-weed seeds per pound, singly or collectively, is prohibited from sale in the State of Georgia and therefore is prohibited from shipment into that State under the Federal Seed Act.

The Korean lespedeza seed shipped to Ringgold, Georgia, was labeled to consist, in part, of 98.20 percent pure seed and 1.56 percent weed seeds; whereas, this seed was found to consist, in part, of 95.53 percent pure seed and 3.59 percent weed seeds.

The crimson clover seed shipped to Ellijay and Blairsville, Georgia, was not labeled to indicate the presence of any dock seeds; whereas, 3 bags and 4 bags of this seed were found to contain dock seeds at the rates of 396 and 576 per pound, respectively. Dock seeds are considered noxious-weed seeds in the State of Georgia. It is required under the Federal Seed Act, by reason of the Georgia State law and regulations, that agricultural seed shipped into that State shall be labeled to show the name and number per pound of such noxious-weed seeds.

In addition, agricultural seed containing in excess of 100 dock seeds per pound is prohibited from sale in the State of Georgia and therefore each of the shipments of crimson clover seed were prohibited under the Federal Seed Act from shipment into the State of Georgia.

On November 22, 1961, Terry Horn paid to the United States the sum of \$200 in settlement of seven counts in this complaint.

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516. False labeling of Korean lespedeza seed and excessive noxious-weed seeds. U. S. v. Tennessee Valley Seed Company, Inc., Knoxville, Tennessee. (FS 922)

Tennessee Valley Seed Company, on January 29, 1959, transported from Knoxville, Tennessee, to Ringgold, Georgia, 100 bags of Korean lespedeza seed.

A complaint was filed in United States District Court for the Eastern District of Tennessee alleging that Tennessee Valley Seed Company unlawfully transported in interstate commerce 100 bags of this seed in violation of the Federal Seed Act.

The seed was labeled to contain the noxious-weed seed bracted plantain at the rate of 18 per pound; whereas, this seed was found to contain bracted plantain seeds at the rate of 549 per pound.

In addition, agricultural seed containing in excess of 200 bracted plantain seeds or a total of 300 noxious-weed seeds, singly or collectively, is prohibited from sale in the State of Georgia and therefore is prohibited from shipment into that State under the Federal Seed Act.

On January 29, 1962, Tennessee Valley Seed Company, Inc. paid to the United States the sum of \$200 in settlement of two counts in this complaint.

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517. False labeling of rye and oat seed. U. S. v. The Cotton Producers Association, Inc., Atlanta, Georgia. (FS 925)

The Cotton Producers Association, on August 19, 1957, transported in interstate commerce from Dublin, Georgia, to Cullman, Alabama, 5 bags of rye seed, and on September 22, 1958, transported in interstate commerce from Dublin, Georgia, to Madison, Florida, 50 bags of oat seed.

A complaint was filed in United States District Court for the Southern District of Georgia alleging that The Cotton Producers Association unlawfully transported in interstate commerce 5 bags of rye seed and 50 bags of oat seed and failed to keep a complete record of the purity of the rye seed and the germination of the oat seed in violation of the Federal Seed Act.

The rye seed was labeled to be the Balbo variety of rye; whereas, a sample representing this seed produced plants of which 21 percent resembled the Rosen variety and 79 percent resembled the Balbo variety.

The oat seed was labeled to have a germination of 93 percent; whereas, this seed was found to have a germination of 71 percent in October 1958.

On December 18, 1961, The Cotton Producers Association, Inc. paid to the United States \$500, plus \$37 costs, in settlement of the two counts alleging false labeling. Two counts alleging failure to keep a complete record were dropped.

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518. Failure to label the presence of noxious-weed seeds and excessive noxious-weed seeds. U. S. v. East Texas Seed Company, Tyler, Texas. (FS 928)

East Texas Seed Company, on August 25, 1959, delivered for transportation from Tyler, Texas, to Port Gibson, Mississippi, 200 bags of ryegrass seed.

A complaint was filed in United States District Court for the Eastern District of Texas alleging that East Texas Seed Company unlawfully delivered for transportation in interstate commerce 200 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of any quackgrass seeds; whereas, this seed was found to contain quackgrass seeds at the rate of 198 per pound. Quackgrass seeds are considered noxious-weed seeds in the State of Mississippi. It is required under the Federal Seed Act, by reason of the Mississippi State law and regulations, that agricultural seed shipped into that State shall be labeled to show the name and number per pound of such noxious-weed seeds.

In addition, agricultural seed containing in excess of 100 quackgrass seeds per pound is prohibited from sale in the State of Mississippi and therefore is prohibited from shipment into that State under the Federal Seed Act.

On December 9, 1961, a judgment in the amount of \$75 on each count or a sum of \$150, plus \$37 costs, was entered against East Texas Seed Company.

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519. Prohibited noxious-weed seeds in oat seed. U. S. v. 122 bags, more or less, of oat seed. (FS 930)

Griffith Seed Company, Bloomington, Illinois, on February 20, 1961, delivered for transportation in interstate commerce from Covington, Ohio, to Chewsville, Maryland, 150 bags of oat seed.

A libel was filed in United States District Court for the District of Maryland requesting seizure of 122 bags, more or less, of this seed and alleging it to be in violation of the Federal Seed Act.

Samples representing 91 bags and 31 bags of this seed were each found to contain quackgrass seeds at the rate of four per pound; whereas, agricultural seed containing any quackgrass seeds is prohibited from sale in the State of Maryland and therefore is prohibited from shipment into that State under the Federal Seed Act.

On August 16, 1961, the United States District Court issued a decree of condemnation and ordered the seed destroyed.

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520. False labeling of alfalfa seed. U. S. v. 65 bags, more or less, of alfalfa seed. (FS 931)

Justin Seed and Distributing Company, Justin, Texas, on March 17, 1961, delivered for transportation in interstate commerce from Justin, Texas, to Atoka, Oklahoma, 100 bags of alfalfa seed.

A libel was filed in United States District Court for the Northern District of Oklahoma requesting seizure of 65 bags, more or less, of this seed and alleging it to be in violation of the Federal Seed Act.

The seed was labeled to consist, in part, of 1.39 percent weed seeds and to have a germination of 80 percent; whereas, it was found to consist, in part, of 2.60 percent weed seeds and to have a germination of 52 percent with 2 percent hard seeds remaining, or a total germination and hard seed percentage of 54, in April 1961.

On August 31, 1961, the United States District Court ordered the 65 bags, more or less, of alfalfa seed to be condemned and destroyed.

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521. False labeling of sudangrass seed and excessive noxious-weed seeds. U. S. v. 7 bags, more or less, of sudangrass seed. (FS 932)

Justin Seed and Distributing Company, on May 1, 1961, delivered for transportation in interstate commerce from Justin, Texas, to Atoka, Oklahoma, 10 bags of sudangrass seed.

A libel was filed in United States District Court for the Eastern District of Oklahoma requesting seizure of 7 bags, more or less, of this seed and alleging it to be in violation of the Federal Seed Act.

The seed was labeled to contain the noxious-weed seed johnsongrass at the rate of 198 per pound; whereas, 7 bags of this seed were found to contain johnsongrass seeds at the rate of 1,386 per pound. In addition, agricultural seed containing in excess of 100 johnsongrass seeds per pound is prohibited from sale in the State of Oklahoma and therefore is prohibited from shipment into that State under the Federal Seed Act.

On August 22, 1961, the United States District Court ordered 7 bags, more or less, of this seed condemned and destroyed.

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522. False labeling of Korean lespedeza seed, oat seed, and tall fescue seed, failure to label the presence of noxious-weed seeds, excessive noxious-weed seeds, incomplete labeling, and failure to keep a complete record. U. S. v. Farmers Elevator Company, Franklin, Kentucky. (FS 933)

Farmers Elevator Company, on February 5, 1959, transported from Franklin, Kentucky, to LaFayette, Georgia, 110 bags of Korean lespedeza; on February 13, 1959, delivered for transportation from Franklin, Kentucky, to Charlottesville, Virginia, 334 bags of oat seed; on April 4, 1959, transported from Glasgow, Kentucky, to Atlanta, Georgia, 100 bags of tall fescue seed; and on September 12, 1959, transported from Franklin, Kentucky, to Lake Providence, Louisiana, 400 bags of tall fescue seed.

A complaint was filed in United States District Court for the Western District of Kentucky alleging that Farmers Elevator Company unlawfully transported or delivered for transportation in interstate commerce 110 bags of Korean lespedeza seed, 334 bags of oat seed, 100 bags of tall fescue seed, and 20 bags of tall fescue seed and failed to keep a complete record in violation of the Federal Seed Act.

Count I involved 110 bags of Korean lespedeza seed. This seed was labeled to contain the noxious-weed seed dock at the rate of one in 50 grams (9 per pound); whereas, this seed was found to contain dock seeds at the rate of 126 per pound.

Count II involved 334 bags of oat seed. This seed was labeled to have a germination of 85 percent; whereas, this seed was found to have a germination of 58 percent in February 1959.

Counts III, IV, V, VI, and VII involved 100 bags of tall fescue seed. Labels attached to the bags failed to indicate the presence of the noxious-weed seed sheep sorrel; whereas, a composite sample representing this seed was found to contain sheep sorrel seeds at the rate of 216 per pound, and samples representing 4 individual bags were found to contain sheep sorrel at the rates of 585, 333, 333, and 252 per pound. Sheep sorrel seeds are considered noxious-weed seeds in the State of Georgia. It is required under the Federal Seed Act, by reason of the Georgia State law and regulations, that agricultural seed shipped into that State be labeled to show the name and number per pound of such noxious-weed seeds.

Agricultural seed containing in excess of 200 sheep sorrel seeds per pound is prohibited from sale in the State of Georgia and therefore is prohibited from shipment into that State under the Federal Seed Act.

Labels attached to the bags represented this seed to be one lot of seed; whereas, this seed was not one "lot of seed" as that term is defined in the rules and regulations under the Federal Seed Act.

A complete record of the purity of this seed, including a file sample, was not kept by the interstate shipper as required in the Federal Seed Act and the rules and regulations thereunder.

Count VIII involved 20 bags of tall fescue seed. This seed was labeled to consist, in part, of 98.00 percent pure seed and 0.50 percent weed seeds; whereas, this seed was found to consist, in part, of 95.84 percent pure seed and 3.00 percent weed seeds.

On March 8, 1962, a judgment in the sum of \$350, plus \$41.40 costs, on eight counts was assessed against Farmers Elevator Company.

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523. "Below Standard" vegetable seed not labeled as to germination, failure to test within 5 months prior to shipment, and failure to label Kentucky bluegrass seed. U. S. v. R. H. Shumway, Seedsman, Rockford, Illinois. (FS 934)

R. H. Shumway, Seedsman, delivered for transportation from Rockford, Illinois, a shipment of vegetable seeds to Brookston, Indiana, on

January 15, 1960; a shipment of vegetable seeds to Lafayette, Indiana, on February 20, 1960; one container of Kentucky bluegrass seeds to Clarks Hill, Indiana, on April 10, 1960; a shipment of vegetable seeds to Clarks Hill, Indiana, on April 10, 1960; and a shipment of vegetable seeds to Hopkins, Minnesota, on April 10, 1960.

A complaint was filed in United States District Court for the Northern District of Illinois, alleging that R. H. Shumway, Seedsman, unlawfully delivered for transportation in interstate commerce in violation of the Federal Seed Act containers of seed described as follows:

			Germination Standard	*Germination Found
<u>To Brookston, Indiana</u>				
Onion	2	containers	70%	40%
Onion	1	"	70%	26%
Kohlrabi	1	"	75%	59%
Kohlrabi	1	"	75%	56%
Cauliflower	1	"	75%	58%
Lettuce	1	"	80%	49%
<u>To Lafayette, Indiana</u>				
Brussels sprouts	1	"	70%	27%
Cabbage	1	"	75%	31%
<u>To Clarks Hill, Indiana</u>				
Lettuce	1	"	80%	43%
Lettuce	1	"	80%	38%
Spinach	1	"	60%	41%
Mustard	1	"	75%	43%
Onion	1	"	70%	41%
Onion	1	"	70%	18%
Kohlrabi	1	"	75%	57%
Celery	1	"	55%	8%
Kentucky bluegrass	1	"	(not labeled as required) 38%	
<u>To Hopkins, Minnesota</u>				
Onion	2	"	70%	52%
Onion	2	"	70%	14%
Broccoli	2	"	75%	12%

*The official tests were made during the period of March to July 1960

The containers of vegetable seed did not bear the words "Below Standard" and the percentage of germination and the date tested as required under the Federal Seed Act for seed which germinates below the standards established in the rules and regulations under the act.

Except for two lots, tests to determine the percentage of germination of each lot of vegetable seed were not made within a 5-month period immediately prior to delivery for transportation in interstate commerce as required under the Federal Seed Act.

A complete record of the germination of one lot of lettuce seed was not kept as required under the Federal Seed Act.

The container of Kentucky bluegrass seed was not labeled to show detailed information required under the Federal Seed Act. This seed was found to have a germination of only 38 percent in June 1960.

On September 12, 1961, a judgment in the sum of \$300 on 10 counts was entered against R. H. Shumway, Seedsman.

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524. False labeling of rye seed and failure to keep a complete record. U. S. v. Worcester Fertilizer Company, Snow Hill, Maryland. (FS 935)

Worcester Fertilizer Company, on September 2 and October 2, 1959, transported in interstate commerce from Snow Hill, Maryland, to Parksley, Virginia, 150 bags and 113 bags of rye seed.

A complaint was filed in United States District Court for the District of Maryland alleging that Worcester Fertilizer Company unlawfully transported in interstate commerce 25 bags and 10 bags of this seed in violation of the Federal Seed Act.

The shipment on September 2, 1959, was labeled to have a germination of 85 percent; whereas, 25 bags of this seed were found to have a germination of 7 percent in October 1959.

The shipment on or about October 2, 1959, was labeled to have a germination of 80 percent; whereas, 10 bags of this seed were found to have a germination of 52 percent in October 1959. In addition, a complete record of the germination of this seed, including a file sample, was not kept by Worcester Fertilizer Company as required in the Federal Seed Act and the rules and regulations thereunder.

On August 25, 1961, a judgment for \$100 on one count, and \$50 on each of two counts, or a total of \$200, was entered against Worcester Fertilizer Company.

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525. False labeling of mixed agricultural seed and excessive noxious-weed seeds. U. S. v. United Seeds, Inc., Omaha, Nebraska. (FS 936)

United Seeds, Inc., delivered for transportation from Omaha, Nebraska, to Granada, Minnesota, and Dunnell, Minnesota, five bags, three bags, and four bags of mixed agricultural seed on February 24, 1960.

A complaint was filed in United States District Court for the District of Nebraska alleging that United Seeds, Inc., unlawfully delivered for transportation in interstate commerce five bags, three bags, and four bags of mixed agricultural seed in violation of the Federal Seed Act.

Labels attached to the bags in each of these shipments bore, in part, the statement "Noxious-Weeds per Oz. None in Excess." Five bags of this seed were found to contain dodder seeds at the rate of five per ounce, three bags of this seed were found to contain dodder seeds at the rate of six per ounce, and four bags of this seed were found to contain dodder seeds at the rate of six per ounce. Dodder seeds are considered noxious-weed seeds in the State of Minnesota. It is required under the Federal Seed Act, by reason of the State law and regulations, that agricultural seed the size of the kinds in these mixtures shipped into the State of Minnesota shall be labeled to show the name and number per ounce of such noxious-weed seeds. In addition, agricultural seed the size of the seed in these mixtures containing in excess of two such noxious-weed seeds per ounce is prohibited from sale in the State of Minnesota and therefore is prohibited from shipment into that State under the Federal Seed Act.

On January 3, 1962, a judgment for \$25 on each of four counts, or a total of \$100, and costs, was entered against United Seeds, Inc.

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526. Failure to attach labels and false labeling of redtop seed, false labeling of ryegrass seed, and failure to keep a complete record. U. S. v. Hyde Park Seed Corporation, New York, New York. (FS 937)

Hyde Park Seed Corporation, on September 2, 1959, delivered for transportation from Jersey City, New Jersey, to Portland, Connecticut, 20 bags of redtop seed and on September 2, 1959, delivered for transportation from Jersey City, New Jersey, to Wilmington, Delaware, 25 bags of ryegrass seed.

A complaint was filed in United States District Court for the Southern District of New York alleging that Hyde Park Seed Corporation unlawfully delivered for transportation in interstate commerce 20 bags of redtop seed, 19 bags of ryegrass seed, and failed to keep a complete record in violation of the Federal Seed Act.

Labels showing detailed information were not attached to the bags of redtop seed as required under the Federal Seed Act. Labeling accompanying and pertaining to the shipment represented this seed to consist,

in part, of 94.46 percent pure seed and 4.48 percent inert matter, whereas, this seed was found to consist, in part, of 89.17 percent pure seed and 9.63 percent inert matter. In addition, a complete record of the purity of this seed, including a file sample, was not kept by Hyde Park Seed Corporation as required under the Federal Seed Act and the rules and regulations thereunder.

Labels attached to the bags of ryegrass seed represented this seed to be chewings fescue seed.

On October 30, 1961, a judgment for \$25 on each of four counts, or a total of \$100 plus \$38 costs, was entered against Hyde Park Seed Corporation.

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527. False labeling of oat seed. U. S. v. Bogard Grain & Seed Company, Inc., Stuttgart, Arkansas. (FS 938)

Bogard Grain & Seed Company, on September 1, 1960, transported from Stuttgart, Arkansas, to Pawhuska, Oklahoma, 395 bags of oat seed.

A complaint was filed in United States District Court for the Eastern District of Arkansas alleging that Bogard Grain & Seed Company unlawfully delivered for transportation in interstate commerce 300 bags of this seed in violation of the Federal Seed Act.

The seed was labeled to have a germination of 85 percent; whereas, 300 bags of this seed were found to have a germination of 57 percent in October 1960.

On September 25, 1961, Bogard Grain & Seed Company, Inc., paid to the United States \$200 in settlement of this complaint.

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528. Failure to label to indicate the presence of noxious-weed seeds. U. S. v. Syler, Inc., Plymouth Indiana. (FS 939)

Syler, Inc., on April 14 and April 29, 1960, delivered for transportation from Plymouth, Indiana, to Standish, Michigan, 32 bags of alsike clover seed and 2 bags of ladino clover seed, respectively.

A complaint was filed in United States District Court for the Northern District of Indiana alleging that Syler, Inc., unlawfully delivered for transportation in interstate commerce 10 bags of alsike clover seed and 2 bags of ladino clover seed in violation of the Federal Seed Act.

Labels attached to the bags of both shipments did not indicate the presence of any noxious-weed seeds; whereas, 10 bags of alsike clover

seed were found to contain hoary alyssum seeds at the rate of 377 per pound and 2 bags of ladino clover seed were found to contain buckhorn plantain seeds at the rate of 572 per pound. Hoary alyssum seeds and buckhorn plantain seeds are considered noxious-weed seeds in the State of Michigan. It is required under the Federal Seed Act, by reason of the Michigan State law and regulations, that agricultural seeds the size of alsike clover seed and ladino clover seed containing in excess of 20 per pound of hoary alyssum seeds or 180 per pound of buckhorn plantain seeds be labeled to show the name and number per pound of such noxious-weed seeds.

On October 10, 1961, a judgment for \$25 on each of two counts, or a total of \$50 and 42.20 costs was entered against Syler, Inc.

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529. Failure to label to indicate the presence of noxious-weed seeds, excessive noxious-weed seeds, and false labeling of foxtail millet seed. U. S. v. Arthur R. Cone, Inc., Buffalo, New York (FS 940)

Arthur R. Cone, Inc., delivered for transportation in interstate commerce from Buffalo, New York, to Worcester, Massachusetts, 1 bag of foxtail millet seed on March 11, 1959; to Kennebunk, Maine, 10 bags of timothy seed on April 2, 1960; and to Biddeford, Maine, 4 bags of foxtail millet seed on April 14, 1959.

A complaint was filed in United States District Court for the Western District of New York, alleging that Arthur R. Cone, Inc., unlawfully delivered for transportation in interstate commerce 1 bag of foxtail millet seed, 6 bags of timothy seed, and 4 bags of foxtail millet seed in violation of the Federal Seed Act.

A label attached to the 1 bag of foxtail millet seed failed to indicate the presence of any noxious-weed seeds; whereas, this seed was found to contain wild mustard seeds at the rate of 32 per ounce. Wild mustard seeds are considered noxious-weed seeds in the State of Massachusetts. It was required under the Federal Seed Act at the time of this transaction, by reason of the Massachusetts State law and regulations, that agricultural seed shipped into that State be labeled to show the name and number per ounce of such noxious-weed seeds when present at a rate in excess of 1 in 10 grams in seed the size of foxtail millet seed.

Labels attached to the bags of timothy seed failed to indicate the presence of any yellow rocket seeds; whereas, 6 bags of this seed were found to contain yellow rocket seeds at the rate of 103 per ounce. Yellow rocket seeds are considered noxious-weed seeds in the State of Maine. It is required under the Federal Seed Act, by reason of the Maine State law and regulations, that agricultural seed the size of timothy seed shipped into that State be labeled to show the name and number per ounce of such noxious-weed seeds. In addition, agricultural

seed containing in excess of 500 noxious-weed seeds per pound is prohibited from sale in the State of Maine and therefore is prohibited from shipment into that State under the Federal Seed Act.

The 4 bags of foxtail millet seed were labeled to contain the noxious-weed seed wild mustard at the rate of 12 per ounce; whereas, this seed was found to contain wild mustard seeds at the rate of 26 per ounce.

On May 15, 1962, Arthur R. Cone, Inc., paid to the United States \$400 in settlement of this complaint.

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530. False labeling of tall fescue seed and rye seed. U. S. v. Malden Grain Company, Malden, Missouri. (FS 943)

Malden Grain Company, on August 11, 1959, transported from Malden, Missouri, to Pocahontas, Arkansas, 33 bags of tall fescue seed, and on November 5, 1959, transported from Malden, Missouri, to Monette, Arkansas, 50 bags of rye seed.

A complaint was filed in United States District Court for the Eastern District of Missouri alleging that Malden Grain Company unlawfully transported in interstate commerce 33 bags of tall fescue seed and 29 bags of rye seed in violation of the Federal Seed Act.

The tall fescue seed was labeled to contain the noxious-weed seed dock at the rate of 54 per pound; whereas, this seed was found to contain dock seeds at the rate of 279 per pound.

The rye seed was labeled to have a germination of 85 percent; whereas, 29 bags of this seed were found to have a germination of 68 percent in November 1959.

On March 16, 1962, a judgment in the sum of \$225, plus costs, was entered against Malden Grain Company

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531. False labeling of pearl millet seed. U. S. v. Miller Seed Company, Hereford, Texas. (FS 945)

Miller Seed Company, on May 14, 1960, delivered for transportation from Hereford, Texas, to Montgomery, Alabama, 152 bags of pearl millet seed.

A complaint was filed in United States District Court for the Northern District of Texas alleging that Miller Seed Company unlawfully delivered for transportation in interstate commerce from Hereford, Texas, to Montgomery, Alabama, 85 bags of this seed in violation of the Federal

Seed Act.

The seed was labeled to have a germination of 80 percent; whereas, 85 bags of this seed were found to have a germination of 62 percent in July 1960.

On June 27, 1962, a judgment for \$100 and costs was entered against Miller Seed Company.

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532. False labeling of rye seed and failure to keep a complete record. U. S. v. Berry Seed Company, Clarinda, Iowa. (FS 946)

Berry Seed Company, on September 11, 1958, delivered for transportation from Clarinda, Iowa, to St. Louis, Missouri, 500 bags of rye seed.

A complaint was filed in United States District Court for the Southern District of Iowa alleging that Berry Seed Company unlawfully delivered for transportation in interstate commerce 10 bags of this seed and failed to keep a complete record in violation of the Federal Seed Act.

Labeling accompanying and pertaining to this shipment represented the seed to be the Balbo variety of rye seed; whereas, a sample representing 10 bags of this seed produced plants of which 75 percent did not resemble the Balbo variety of rye when grown in a trueness-to-variety test in Arkansas. In addition, a complete record of the purity of this seed, including a grower's declaration of variety or an invoice or other document establishing the name of the variety to be that stated, was not kept by Berry Seed Company as required in the Federal Seed Act and the rules and regulations thereunder.

On November 8, 1961, a judgment for \$50 on each of two counts, or a total of \$100 and \$48.40 costs was entered against Berry Seed Company.

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533. False labeling of mixed lawn seeds and failure to keep a complete record. U. S. v. G. I. Ostberg Seed Company, Chicago, Illinois. (FS 947)

G. I. Ostberg Seed Company delivered for transportation from Chicago, Illinois, to Bloomington, Michigan, 50 containers of mixed lawn seeds, on February 16, 1960, and to Oscoda, Michigan, 50 containers of mixed lawn seeds on March 1, 1960.

A complaint was filed in United States District Court for the Northern District of Illinois alleging that G. I. Ostberg Seed Company unlawfully delivered for transportation in interstate commerce 24, 12, and 50 containers of mixed agricultural seeds and failed to keep a complete record in violation of the Federal Seed Act.

Count I alleged that 24 containers of the seed were labeled to consist, in part, of 33.68 percent Highland colonial bentgrass seed and 9.90 percent ryegrass seed; whereas, this seed was found to consist, in part, of 14.34 percent Highland colonial bentgrass seed and 37.84 percent ryegrass seed. In addition, the Kentucky bluegrass seed in this mixture was labeled to have a germination of 75 percent; whereas, it was found to have a germination of 32 percent in May 1960. In addition, 12 containers of the seed were labeled to consist, in part, of 36.35 percent perennial ryegrass seed, 24.85 percent "Domestic" (construed to mean annual) ryegrass seed, and 21.86 percent red fescue seed; whereas, this seed was found to consist, in part, of 26.62 percent perennial ryegrass seed, 47.21 percent annual ryegrass seed, and 11.85 percent red fescue seed.

Count II alleged that a complete record of the purity and germination of the seed described in Count I was not kept by G. I. Ostberg Seed Company as required in the Federal Seed Act and the rules and regulations thereunder.

Count III alleged that the seed shipped to Oscoda, Michigan, was labeled to consist, in part, of 34.00 percent Kentucky bluegrass seed, 33.66 percent Highland colonial bentgrass seed, 14.70 percent red fescue seed, and 9.90 percent ryegrass seed; whereas, this seed was found to consist of 27.24 percent Kentucky bluegrass seed, 18.08 percent Highland colonial bentgrass seed, no red fescue seed, and 49.40 percent ryegrass seed.

On June 7, 1962, G. I. Ostberg Seed Company paid to the United States \$100, plus \$22.60 costs, in settlement of this complaint.

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534. False labeling of alfalfa seed and failure to keep a complete record. U. S. v. Midwest Custom Spraying, Inc., Norfolk, Nebraska, and Gene T. Bomar, president of said corporation. (FS 949)

Midwest Custom Spraying, Inc., on October 29, 1959, delivered for transportation from Norfolk, Nebraska, to Beatrice, Nebraska, 3,647 pounds of alfalfa seed. (Although the shipment in this instance was within the State of Nebraska, the transaction is construed to be in interstate commerce as the complaint involved labeling as to variety and the shipment was in that current of commerce usual to interstate shipment.)

A complaint was filed in United States District Court for the District of Nebraska alleging that Midwest Custom Spraying, Inc., and Gene T. Bomar unlawfully delivered for transportation in interstate commerce 3,647 pounds of alfalfa seed and failed to keep a complete record as required under the Federal Seed Act.

Three lots were represented to be the Grimm variety of alfalfa, one lot the Ranger variety, and one lot "common" alfalfa seed; whereas, the lots

were not of the varieties represented according to statement of the growers of these lots. In addition, a complete record of the purity of these lots was not kept by the defendants as required in the Federal Seed Act and the rules and regulations thereunder.

On March 27, 1962, a judgment of \$200 and costs was entered against Midwest Custom Spraying, Inc.

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535. "Below Standard" vegetable seeds and failure to keep a complete record. U. S. v. G. H. Hunkel Company, Milwaukee, Wisconsin. (FS 950)

G. H. Hunkel Company during the period of April to June 1960, delivered for transportation from Milwaukee, Wisconsin, to Lake City, Lansing, West Branch, Grand Rapids, and Hale, Michigan, and Danville, Indiana, seven shipments of vegetable seeds.

A complaint was filed in United States District Court for the Eastern District of Wisconsin alleging that G. H. Hunkel Company unlawfully delivered for transportation in interstate commerce shipments of seed described below and failed to keep a complete record in violation of the Federal Seed Act.

<u>To Lake City, Michigan</u>		<u>Germination Standard</u>	<u>*Germination Found</u>
Kale	1 container	75%	51%
Brussels sprouts	1 "	70%	47%
Pepper	1 "	55%	39%
Lettuce	1 "	80%	52%
Pepper	1 "	55%	39%

<u>To Lansing, Michigan</u>			
Onion	1 container	70%	39%
Kale	1 "	75%	54%

<u>To West Branch, Michigan</u>			
Onion	1 container	70%	54%
Brussels sprouts	1 "	70%	50%
Lettuce	1 "	80%	45%
Onion	1 "	70%	32%
Pepper	1 "	55%	40%

<u>To Lansing, Michigan</u>			
Brussels sprouts	1 "	70%	35%
Pepper	1 "	55%	29%

To Grand Rapids, Michigan

Onion	1 container	70%	54%
Pepper	1 "	55%	36%
Pepper	1 "	55%	39%
Brussels sprouts	1 "	70%	53%
Lettuce	1 "	80%	51%

To Hale, Michigan

Lettuce	1 "	80%	43%
Pepper	1 "	55%	40%
Brussels sprouts	1 "	70%	50%
Pepper	1 "	55%	34%

To Danville, Indiana

Kohlrabi	1 "	75%	55%
Lettuce	1 "	80%	56%

* The official tests were made during the period of April to July 1960.

The containers in these shipments were not labeled to show the words "Below Standard" and to show the percentage of germination and the date of test as required under the Federal Seed Act for vegetable seeds which germinate below the standards established in the rules and regulations under the act.

In addition, a complete record of the germination of the seed in each shipment was not kept by G. H. Hunkel Company as required in the Federal Seed Act and rules and regulations thereunder.

On May 3, 1962, a judgment in the amount of \$525, plus \$37.20 costs, on 14 counts was entered against G. H. Hunkel Company.

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536. False labeling and incomplete labeling of sorghum seed and failure to keep a complete record. U. S. v. Segrest Feed & Seed Company, Inc., Slocomb, Alabama. (FS-952)

Segrest Feed & Seed Company, Inc., on April 26 and May 7, 1960, transported from Slocomb, Alabama, to Jay, Florida, 10 bags and 2 bags of sorghum seed, respectively.

A complaint was filed in United States District Court for the Middle District of Alabama alleging that Segrest Feed & Seed Company, Inc.,

unlawfully transported in interstate commerce 12 bags of this seed and failed to keep a complete record in violation of the Federal Seed Act.

The seed was labeled to have a germination of 80 percent; whereas, it was found to have a germination of 49 percent in June 1960.

Labels attached to the bags did not bear the name and address of the interstate shipper, or in lieu thereof the name and address of the consignee together with a code designation assigned by this Department, as required under the Federal Seed Act.

A complete record of the germination of this seed, including a file sample, was not kept by Segrest Feed & Seed Company, Inc., as required in the Federal Seed Act and the rules and regulations thereunder.

On April 7, 1962, Segrest Feed & Seed Company, Inc., paid to the United States \$75 in settlement of this complaint.

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537. False labeling of Korean lespedeza seed and excessive noxious-weed seeds. U. S. v. Louisville Seed Company, Louisville, Kentucky. (FS 953)

Louisville Seed Company on February 8, 1960, delivered for transportation from Louisville, Kentucky, to Paoli, Indiana, 20 bags of Korean lespedeza seed.

A complaint was filed in United States District Court for the Western District of Kentucky alleging that Louisville Seed Company unlawfully delivered for transportation in interstate commerce 20 bags of this seed in violation of the Federal Seed Act.

The seed was labeled to contain the noxious-weed seed dodder at the rate of 608 per pound; whereas, this seed was found to contain dodder seeds at the rate of 3,330 per pound. In addition, this seed was found to consist, in part, of 0.65 percent the restricted noxious-weed seed dodder; whereas, agricultural seed containing in excess of 0.25 percent restricted noxious-weed seeds is prohibited from sale in the State of Indiana and therefore is prohibited from shipment into that State under the Federal Seed Act.

On May 14, 1962, Louisville Seed Company paid to the United States \$300, plus \$22.70 costs, in settlement of this complaint.

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538. False labeling of cotton seed. U. S. v. Pascal Farley, Whitewright, Texas. (FS 955)

Pascal Farley on April 19 and April 23, 1960, transported from Whitewright, Texas, to Marietta, Oklahoma, 15 bags and 25 bags of cotton seed, respectively.

A complaint was filed in United States District Court for the Eastern District of Texas alleging that Pascal Farley unlawfully transported in interstate commerce 14 bags and 3 bags of this seed in violation of the Federal Seed Act.

The shipment on April 19, 1960, was labeled to have a germination of 80 percent; whereas, 14 bags of this seed were found to have a germination of 53 percent in June 1960.

The shipment on April 23, 1960, was labeled to have a germination of 70 percent; whereas, 3 bags of this seed were found to have a germination of 39 percent in June 1960.

In addition, labels attached to both of the shipments represented the seed to be "treated"; whereas, the seed in these shipments was found to be not treated.

On April 9, 1962, a judgment for \$100 on each of 2 counts, or a total of \$200 and costs was entered against Pascal Farley.

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539. False labeling of sorghum alnum seed, excessive noxious-weed seeds and failure to keep a complete record. U. S. v. John Ewing Company, LaSalle, Colorado. (FS 956)

John Ewing Company on April 6, 1959, delivered for transportation from LaSalle, Colorado, to Wheatland, Wyoming, 11 bags of sorghum alnum seed.

A complaint was filed in United States District Court for the District of Colorado alleging that John Ewing Company unlawfully delivered for transportation in interstate commerce eight bags of this seed and failed to keep a complete record in violation of the Federal Seed Act.

The seed was labeled to contain no noxious-weed seeds; whereas, 8 bags of this seed were found to contain field bindweed seeds at the rate of 15 per pound. Field bindweed seed is considered a noxious-weed seed in the State of Wyoming. In addition, agricultural seed containing any field bindweed seed is prohibited from sale in the State of Wyoming and therefore is prohibited from shipment into that State under the Federal Seed Act.

Labels attached to the bags bore, in part, the statement "Sorghum Grass" and an invoice pertaining to the shipment bore, in part, the statement "Sorghum Seed"; whereas, the name of the kind as established in the rules and regulations under the Federal Seed Act is

"sorghum alnum."

A complete record of the purity of this seed was not kept by John Ewing Company as required in the Federal Seed Act and the rules and regulations thereunder.

On June 29, 1962, a judgment for \$75 and \$46.60 costs was entered against John Ewing Company.

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540. Failure to indicate the presence of noxious-weed seeds and excessive noxious-weed seeds. U. S. v. J. McKenny Willis & Son, Inc., Easton, Maryland. (FS 958)

J. McKenny Willis & Son, Inc., on July 21, 1959, transported in interstate commerce from Easton, Maryland, to Hockessin, Delaware, 4 bags of rye seed, and on July 31, 1959, transported in interstate commerce from Easton, Maryland, to Exmore, Virginia, 10 bags of crimson clover seed and 6 bags of Korean lespedeza seed.

A complaint was filed in United States District Court for the District of Maryland alleging that J. McKenny Willis & Son, Inc., unlawfully transported in interstate commerce 2 bags of rye seed, 10 bags of crimson clover seed, and 2 bags of Korean lespedeza seed in violation of the Federal Seed Act.

Labels attached to the bags of rye seed did not indicate the presence of any noxious-weed seeds; whereas, 2 bags of this seed were found to contain wild onion or wild garlic seeds or bulblets at the rate of 142 per pound. Wild onion and wild garlic seeds or bulblets are considered noxious-weed seeds in the State of Delaware. It is required under the Federal Seed Act, by reason of the Delaware State law and regulations, that agricultural seed the size of rye seed shipped into that State shall be labeled to show the name and number per pound of such noxious-weed seeds.

In addition, agricultural seed the size of rye seed which contains in excess of 10 per pound of wild onion or wild garlic seeds or bulblets is prohibited from sale in the State of Delaware and therefore is prohibited from shipment into that State under the Federal Seed Act.

Labels attached to the bags of crimson clover seed did not indicate the presence of any noxious-weed seeds; whereas, this seed was found to contain wild mustard seeds at the rate of 7 per ounce.

Labels attached to the bags of Korean lespedeza seed did not indicate the presence of any horsenettle seeds; whereas, 2 bags of this seed were found to contain horsenettle seeds at the rate of 3 per ounce.

Wild mustard seeds and horsenettle seeds are considered noxious-weed seeds in the State of Virginia. It is required under the Federal Seed Act, by reason of the Virginia State law and regulations, that agricultural seed shipped into that State shall be labeled to show the name and number per ounce of such noxious-weed seeds.

On April 30, 1962, a judgment for \$175 and costs was entered against J. McKenny Willis & Son, Inc.

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541. Failure to label to indicate the presence of noxious-weed seeds and failure to keep a complete record. U. S. v. Hoffman Seed & Grain Company, Muncy, Pennsylvania. (FS 960)

Hoffman Seed & Grain Company on September 19, 1960, transported from Boyertown, Pennsylvania, to Boonton, New Jersey, 80 bags and 20 bags of rye seed.

A complaint was filed in United States District Court for the Middle District of Pennsylvania alleging that Hoffman Seed & Grain Company unlawfully transported in interstate commerce 37 bags and 13 bags of this seed and failed to keep a complete record in violation of the Federal Seed Act.

Labels attached to 37 bags of this seed did not indicate the presence of any noxious-weed seeds; whereas, this seed was found to contain corncockle seeds and wild onion or wild garlic seeds or bulblets at the rates of 4 and 13 per pound, respectively.

Labels attached to 13 bags of this seed did not indicate the presence of any noxious-weed seeds; whereas, this seed was found to contain corncockle and wild onion or wild garlic seeds or bulblets at the rates of 5 and 13 per pound, respectively.

Corncockle seeds and wild onion or wild garlic seeds or bulblets are considered noxious-weed seeds in the State of New Jersey. It is required under the Federal Seed Act, by reason of the New Jersey State law and regulations, that agricultural seed the size of rye seed shipped into that State shall be labeled to show the name and number per pound of such noxious-weed seed when present singly or collectively in excess of 1 in 100 grams of seed.

A complete record of the purity of these lots of seed, including a file sample of each lot, was not kept by Hoffman Seed & Grain Company as required in the Federal Seed Act and the rules and regulations thereunder.

On May 17, 1962, Hoffman Seed & Grain Company paid to the United States \$175, plus \$25.80 costs, in settlement of this complaint.

542. False labeling of smooth brome seed, Korean lespedeza seed, red clover seed and sweetclover seed, and failure to keep a complete record. U. S. v. Rudy-Patrick Seed Company, Kansas City, Missouri. (FS 961)

Rudy-Patrick Seed Company transported or delivered for transportation from Kansas City, Missouri, and Springdale, Arkansas, shipments of seed described as follows:

<u>Kind</u>	<u>Amount</u>	<u>Date Shipped</u>	<u>Destination</u>
Smooth brome	10 bags	9-9-59	Shawnee, Oklahoma
Korean lespedeza	23 "	1-23-60	Bartlesville, Oklahoma
Red clover	4 "	9-2-60	Stilwell, Oklahoma
Sweetclover	100 "	9-8-60	Garland, Texas
Sweetclover	20 "	1-19-61	Chandler, Oklahoma
Sweetclover	2 "	1-23-61	Stilwell, Oklahoma

A complaint was filed in United States District Court for the Western District of Missouri alleging that Rudy-Patrick Seed Company unlawfully transported or delivered for transportation in interstate commerce 6 shipments of seed and failed to keep a complete record in violation of the Federal Seed Act.

The smooth brome seed was labeled to have a germination of 75 percent; whereas, 5 bags of this seed were found to have a germination of 45 percent in October 1959. In addition, this seed was labeled to have been tested in August 1959 to determine the percentage of germination; whereas, the records of Rudy-Patrick Seed Company did not indicate that a test was made in August 1959 to determine the percentage of germination of this seed. Also, a complete record of the germination of this seed was not kept by Rudy-Patrick Seed Company as required in the Federal Seed Act and the rules and regulations thereunder.

The Korean lespedeza seed was labeled to have a germination of 70 percent, 15 percent hard seeds, and a total germination and hard seed percentage of 85; whereas, 23 bags of this seed were found to have a germination of 40 percent with 10 percent hard seeds remaining or a total germination and hard seed percentage of 50 in February 1960.

The red clover seed was labeled to have a germination of 80 percent, 10 percent hard seeds, and a total germination and hard seed percentage of 90; whereas, 4 bags of this seed were found to have a germination of 43 percent with 8 percent hard seeds remaining, or a total germination and hard seed percentage of 51 in October 1960. In addition, the seed was labeled to have been tested in March 1959 to determine the percentage of germination; whereas, this shipment was made on or about September 2, 1960. The Federal Seed Act provides that it shall be unlawful to transport or deliver for transportation in interstate commerce any agricultural or vegetable seed unless the test to determine the percentage of germination shall have been completed within a

5-month period, exclusive of the calendar month in which the test was completed, immediately prior to transportation or delivery for transportation in interstate commerce. Also, a complete record of the germination of this seed, including a file sample, was not kept by Rudy-Patrick Seed Company as required in the Federal Seed Act and the rules and regulations thereunder.

The sweetclover seed shipped to Garland, Texas, was represented in labeling accompanying the shipment to have a germination of 80 percent, 5 percent hard seeds, and a total germination and hard seed percentage of 85; whereas, 1 bag of this seed was found to have a germination of 33 percent with 49 percent hard seeds remaining in October 1960.

The sweetclover seed shipped to Chandler, Oklahoma, was labeled to have a germination of 60 percent, 10 percent hard seeds, and a total germination and hard seed percentage of 70; whereas, 17 bags of this seed were found to have a germination of 30 percent with 8 percent hard seeds remaining, or a total germination and hard seed percentage of 38 in April 1961.

The sweetclover seed shipped to Stilwell, Oklahoma, was labeled to have a germination of 80 percent and 5 percent hard seeds; whereas, 2 bags of this seed were found to have a germination of 45 percent with 40 percent hard seeds remaining in February 1961.

On June 29, 1962, a judgment for \$600 and costs was entered against Rudy-Patrick Seed Company.

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543. Prohibited noxious-weed seed in oat seed. U. S. v. 651 bags of oat seed. (FS 969)

The Ohio Seed Company, West Jefferson, Ohio, on or about March 2, 1962, delivered for transportation in interstate commerce from Hilliard, Ohio; 150 bags of oat seed to Woodbine, Maryland; 100 bags, 134 bags, and 67 bags of oat seed to Frederick, Maryland; and 200 bags of oat seed to Walkersville, Maryland.

A libel was filed in United States District Court for the District of Maryland requesting seizure of 651 bags, more or less, of this seed and alleging it to be in violation of the Federal Seed Act.

Five portions of this seed were found to contain quackgrass seeds at the rates of 13, 16, 16, 10, and 8 per pound, respectively; whereas, agricultural seed containing any quackgrass seed is prohibited from sale in the State of Maryland and therefore is prohibited from shipment into that State under the Federal Seed Act.

On April 27, 1962, the United States District Court issued a decree of condemnation and released the seed to be recleaned under the supervision of the United States Department of Agriculture at the expense of the claimant.

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** The listing of names and addresses of shippers of seed seized under section 405 of the Federal Seed Act is considered to be information pertinent to the issuance of the judgment by the court and does not mean that the shipper was found guilty of violation of the Federal Seed Act. The action in seizure cases is against the seed.